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Paper No. 3

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OFFICE OF PETITIONS

In re Application of	:	
Jean-Marc Villaret et al	:	DECISION GRANTING
Application No. 09/849,925	:	PETITION
Filed: May 4, 2001	:	
Attorney Docket No. 10005203-1	:	

This is a decision on the paper styled "Petition For Corrected Filing Date and Corrected Filing Receipt" filed September 28, 2001, requesting that the above-identified application be accorded a filing date of May 4, 2001, rather than the presently accorded filing date of May 7, 2001. The petition is properly treated as a petition under 37 CFR 1.10(d).

Applicants request the earlier filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on May 4, 2001, pursuant to the requirements of 37 CFR 1.10. In support, applicants provide a copy of the Express Mail label, receipt no. EL735699613US. The same Express Mail label number appears on the copy of the original application transmittal letter submitted with the present petition. It is noted that while the "date-in" on the copy of the Express Mail receipt was left blank, it includes a "Saint Paul MN USPS" receipt stamp dated "May 4, 2001".

In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on May 4, 2001.

The petition is granted. A copy of the corrected Filing Receipt is enclosed.

The application is being returned to Technology Center AU 2167 for examination in due course.

Telephone inquiries specific to this matter should be directed to Wan Maymon at (703) 306-5685.

Sherry Brinkley
Sherry Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Enclosure: Corrected Filing Receipt